

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**JOHN DYESS,**

**Plaintiff,**

**v.**

**AUBURN UNIVERSITY,**

**Defendant.**

**No. 3:07CV-635-WKW**

**REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to Fed.R.Civ.P. 26(f), and this Court's order of September 17, 2007 (Doc. No. 16), a meeting was held by telephone on October 4, 2007, between Plaintiff John Dyess, *pro se*; and Aaron L. Dettling, Balch & Bingham L.L.P., for Defendant Auburn University. The parties were not able to reach any meaningful agreement with regard to the various matters addressed in Fed.R.Civ.P. 26(f). Plaintiff advised undersigned counsel that he intended to file his own letter with the Court. Therefore, the following represents the proposal of the Defendant, Auburn University.

2. Initial Disclosures: The parties will exchange by November 2, 2007, the information required by Fed.R.Civ.P. 26(a)(1).

3. Defendant proposes the following Discovery Plan:

(a). Discovery will be needed on the following subjects:

- i. Plaintiff's claims and damages;
- ii. Defendant's defenses.

(b). Defendant does not anticipate the need for significant discovery of electronically stored information (ESI) in this case and does not request any order from the Court on this issue at this time.

(c). The parties do not have any agreement regarding claims of privilege or of protection as trial-preparation material asserted after production; Defendant does not request any order from the Court on this issue at this time.

(d). All discovery commenced in time to be completed by May 2, 2008.

(e). Maximum of 20 interrogatories by each party to any other party.

(f). Maximum of 10 requests for admission by each party to any other party.

(g). Maximum of 20 requests for production of documents by each party to any other party.

(h). Maximum of 10 depositions by each party. Each deposition limited to eight hours except by leave of Court or the agreement of the parties.

(i). Reports from retained experts under Rule 26(a)(2) due:

From Plaintiff: January 16, 2008;

From Defendant: February 15, 2008.

(j). Supplementation under Rule 26(e) due 30 days after notice or knowledge of need to supplement, but not later than 33 days prior to close of discovery.

4. Other Items:

(a). The Court has set a scheduling conference to be held on October 22, 2007, at 10:00 a.m.

(b). Defendant requests a final pretrial conference in September, 2008.

(c). Defendant requests that the Plaintiff be allowed until November 16, 2007 to join any additional parties or to amend the pleadings.

(d). Defendant requests that it be allowed until December 19, 2007 to join any additional parties or to amend the pleadings.

(e). All potentially dispositive motions should be filed no later than June 6, 2008.

(f). Settlement cannot be evaluated by Defendant prior to May 2, 2008.

(g). Pretrial disclosures under Rule 26(a)(3) should be due from both parties 30 days prior to trial.

(h). Each party should have 14 days after service of final lists of witnesses and exhibits to serve objections under Rule 26(a)(3).

(i). This case should be ready for trial by November, 2008 and at this time is expected to take approximately 2 days to try.

Respectfully submitted,

/s/ Aaron L. Dettling

DAVID R. BOYD

AARON L. DETTLING

Attorneys for the Defendant, Auburn  
University

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 8th day of October, 2007, I filed the foregoing document using the CM/ECF system, and that I contemporaneously mailed a true and correct copy of the foregoing to the Plaintiff via first-class mail addressed as follows:

John D. Dyess  
1509 Union Street  
Mobile, Alabama 36617

/s/ Aaron L. Dettling  
OF COUNSEL